IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10136 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BABUBHAI ISHVARBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 10136 of 2003

MR NK MAJMUDAR for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 28/07/2003

ORAL JUDGEMENT

Rule. Mr.N.J.Shah for Mr.D.N.Patel for

respondents waives service of rule. With the consent of parties matter is taken up for final hearing today.

2. The contention raised by the petitioner is that the petitioner is holding a valid passport bearing No. E. 2555104 issued by the Regional Passport Office, Ahmedabad. However, the birth-date in the passport is recorded as 20.2.1948 whereas the correct birth-date is 20.3.1948. The petitioner submits that he wants to submit application for correction of birth date in the passport, however, the authorities have declined to consider the same in the absence of any order passed by this court.

3. On behalf of Passport authorities it has been submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this court directs the passport authorities, they will consider the matter.

4. Mr. Majmudar for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the new passport.

5. In view of the above, the respondent is directed to consider the case of the petitioner for change in birth-date from 20.2.1948 to 20.3.1948 at the time when the application for correction in the passport bearing No. E. 2555104 is considered. However, the petitioner shall pay costs of Rs.2,500/_ to the respondent authorities since the passport authorities can not be saddled with the costs of litigation. The respondent authorities shall take a decision as early as possible.

6. It is clarified that this Court has not gone into the legality and validity and genuineness of the above correction. Any order passed by the Passport Authority shall not give any additional right to the petitioner, in any other field, on account of the change, including that of service or any other field. Petition is allowed accordingly. Rule is made absolute.

Direct service is permitted.

[JAYANT PATEL, J.]

mathew